

REMARKS

The present response to Office Action is in response to the non-final Office Action dated November 17, 2004, where the Examiner has provisionally rejected claims 1-57 on obviousness-type double patenting grounds over claims 1-58 of copending Application No. 09/916,460. No claims are cancelled, added or amended by this paper. Reconsideration and allowance of pending claims 1-57 in view of the remarks are respectfully requested.

A. Rejection of Claims 1-57 Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

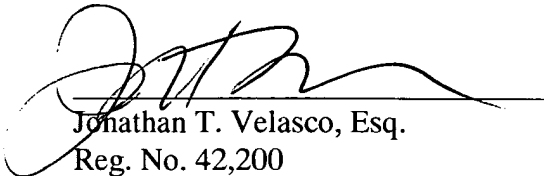
The Examiner has rejected claims 1-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-58 of U.S. Pat. Appl. No. 09/916,460. Applicant respectfully disagrees and asserts that claims 1-57 are not unpatentable over claims 1-58 of U.S. Pat. Appl. No. 09/916,460 under the judicially created doctrine of obviousness-type double patenting. However, to expedite prosecution, Applicant submits a disclaimer of the portion of the term of the present patent application (when issued as a patent) that exceeds the term of U.S. Pat. Appl. No. 09/916,460. The disclaimer is attached as exhibit A.

B. Conclusion

For all the foregoing reasons, an early allowance of claims 1-57 pending in the present application is respectfully requested.

Respectfully Submitted;

Dated: Dec 15, 2004


Jonathan T. Velasco, Esq.
Reg. No. 42,200

Jonathan T. Velasco, Esq.
Kyocera Wireless Corp.
Attn: Patent Department
P.O. Box 928289
San Diego, California 92192-8289
Tel: (858) 882-3501
Fax: (858) 882-2485